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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of :
Kerker, et al. : LETTER REGARDING PATENT
Application No. 09/714,774 : TERM ADJUSTMENT
Filed: November 16, 2000 :
Atty. Dkt. No: 9974/55 :

This is a decision on the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" filed June 6, 2007. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application, mailed April 2, 2007, indicated that the PTA to date is 304 days. Applicants suggest that the adjustment of 304 days may be longer than appropriate and request review and, if necessary, correction of the PTA calculation.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 303 days.

At the time of allowance, an adjustment of 456 days can be attributed to the Office. The application is entitled to an adjustment of 401 days in accordance with 37 CFR 1.702(a)(1) in connection with the mailing of the non-final Office action on February 21, 2003. The application is also entitled to an adjustment of 55 days in accordance with 37 CFR 1.702(a)(4) in connection with the mailing of the Notice of Allowance on April 2, 2007.

The adjustment totaling 456 days is properly reduced a total of 153 days. As reflected in the Determination of Patent Term Adjustment, the adjustment is properly reduced 29 days in accordance with 37 CFR 1.704(b) in connection with the reply filed June 19, 2003 in response to the non-final Office action mailed February 21, 2003. As further reflected in the Determination of Patent Term Adjustment, the adjustment is further reduced 97 days in accordance with 37 CFR 1.704(b) in connection with the Notice of Appeal filed February 17, 2004. As further reflected in the Determination of Patent Term Adjustment, the adjustment is further reduced 26 days in

accordance with 37 CFR 1.704(b) in connection with the request for continued examination filed April 15, 2005.

While not reflected in the Determination of Patent Term Adjustment, the adjustment is further reduced ONE day in accordance with 37 CFR 1.704(c)(8) in connection with the Information Disclosure Statement filed October 12, 2005. The adjustment began October 12, 2005, the day after the day that a reply to the final Office action was filed, and ended October 12, 2005, the date that the supplemental paper was filed.

In view thereof, at the time of allowance, the application was entitled to 303 days of patent term adjustment.

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application is being forwarded to Office of Patent Publications for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Wednesday

Date: 9/5/2007

Time: 15:32:00

PALM INTRANET**PTA Calculations for Application: 10/714774**

Application Filing Date:	11/17/2003	PTO Delay (PTO):	614
Issue Date of Patent:	08/28/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	613
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
44	09/05/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
41.5	08/08/2007	PTA 36 MONTHS			
41	08/28/2007	PATENT ISSUE DATE USED IN PTA CALCULATION			
40	07/30/2007	EXPORT TO FINAL DATA CAPTURE			
39	07/27/2007	DISPATCH TO FDC			
38	07/27/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
37	07/23/2007	ISSUE FEE PAYMENT VERIFIED			
36	07/23/2007	ISSUE FEE PAYMENT RECEIVED			
35	05/25/2007	FINISHED INITIAL DATA CAPTURE			
34	04/27/2007	EXPORT TO INITIAL DATA CAPTURE			
33	04/23/2007	MAIL NOTICE OF ALLOWANCE	2		24
32	04/19/2007	ISSUE REVISION COMPLETED			
31	04/06/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
30	04/06/2007	DOCUMENT VERIFICATION			
29	04/06/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
28	04/06/2007	CASE DOCKETED TO EXAMINER IN GAU			
27	04/02/2007	NOTICE OF ALLOWABILITY			
26	12/21/2006	NEW OR ADDITIONAL DRAWING FILED			
25	01/10/2007	DATE FORWARDED TO EXAMINER			
24	12/21/2006	RESPONSE AFTER NON-FINAL ACTION			
23	01/09/2007	CASE DOCKETED TO EXAMINER IN GAU			
22	09/21/2006	MAIL NON-FINAL REJECTION	612		-1
21	09/18/2006	NON-FINAL REJECTION			

20	11/17/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	09/08/2006	CASE DOCKETED TO EXAMINER IN GAU			
18	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
17	11/20/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	11/17/2003	REFERENCE CAPTURE ON IDS			
15	11/17/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	11/20/2004	CASE DOCKETED TO EXAMINER IN GAU			
13	02/12/2004	APPLICATION RETURN FROM OIPE			
12	02/12/2004	APPLICATION RETURN TO OIPE			
11	02/12/2004	APPLICATION RETURN FROM OIPE			
10	02/12/2004	APPLICATION IS NOW COMPLETE			
9	11/17/2003	PGPUBS NONPUB REQUEST			
8	02/12/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
7	02/12/2004	APPLICATION RETURN TO OIPE			
6	02/12/2004	APPLICATION DISPATCHED FROM OIPE			
5	02/12/2004	APPLICATION IS NOW COMPLETE			
4	02/03/2004	CLEARED BY OIPE CSR			
3	02/03/2004	CASE CLASSIFIED BY OIPE			
2	12/21/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/17/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

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